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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,320	11/24/2003	Osamu Furukawa	F-7929	4299
28107	7590	08/13/2004	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			D ADAMO, STEPHEN D	
		ART UNIT	PAPER NUMBER	3636

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/720,320	FURUKAWA ET AL.
	Examiner Stephen D'Adamo	Art Unit 3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is objected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites in lines 8-9, “[said locking portion] exists in an elongated form on an outer periphery of said backboard.” The claim subject matter is confusing and unclear. Specifically, the locking portion exiting in an elongated form is confusing. From the figures disclosed, the locking portion 25 does not appear to exit in an “elongated form”. Clarification in the claims is suggested.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takemoto et al. (WO 94/00206).

Takemoto discloses a chair for a game machine. The game machine comprises a cable wiring construction comprising a controller or operation portion 3 operated by a seated user, a control portion 9, which holds or locks the cable in the seat

back 8 of the seat. The height of the cable in the locked portion or at the control portion is higher than the seat cushion 7.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bellisario (4,310,307).

Bellisario discloses a “dental audio and gaseous analgesia applicator” comprising a cable wiring construction for a cable between a controller operated by a seated user and a unit body on the dental chair 10. Bellisario recites, ““through this sheath slip ring could also be drawn the speaker wires 38, which at their remote end connect to a patient operated stereo tape deck or other music or sound source with volume control” (col.32-36). Thus, the controller is operated by the user to adjust the volume of the music. Also, the locking portion 36 is provided on the seat back at a height that is higher than the seat cushion. Bellisario discloses the wiring construction in Figure 4.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wenegrat (1,704,415) in view of Sistrunk et al. (5,636,852).

Wenegrat discloses a chair comprising a cable wiring construction comprising a controller or suitable hand switch 24 operated by a seated user and a locking portion or suitable socket 22. The socket holds or locks the cable at an

intermediate portion. The socket is in the seatback 10<sup>1</sup> of the seat. However, the socket of Wenegrat is not higher than the seat cushion. Yet, Sistrunk discloses a recreational seat including a cable wire construction. The seat also includes a socket 64 on the upper end of the seat back. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify locking portion or socket of Wenegrat with a socket that is higher than the seat cushion for permitting a user to plug in an appliance farther from the ground. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linder (6,135,551) in view of Bellisario (47,310,307).

Linder discloses an inflatable chair with speakers comprising a cable wiring construction or a wiring system enclosure having one end connected to an external source for music. Linder cites, “although the wiring system enclosure runs within the boundaries of the inflatable chair 10, the wiring system enclosure alternatively may be mounted to the exterior of the inflatable chair, such as, along the back side of the inflatable chair” (col.4, lines 33-39). Yet, Linder fails to expressly disclose of a locking portion provided on the seat back. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a “locking portion” on the inflatable chair for mounting the wiring system to the exterior surface of the chair.

*Allowable Subject Matter*

4. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sleichter et al. (6,682,494), Tai (6,206,475), Margolis et al. (6,158,808), Maehre (6,028,520), Jain (5,713,832), Lu (5,713,633), Leal et al. (5,624,156), Martin (5,610,674) and Tepper et al. (2002/0165583) all show various features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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sd

August 4, 2004